

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-11869

Robert Rodriguez

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/19/05.

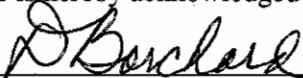
In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 24, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/24/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11869-NMG**

Rodriguez v. United States of America
Assigned to: Judge Nathaniel M. Gorton
Cause: 28:2255 Motion to Vacate / Correct
Illegal Sentenc

Date Filed: 08/24/2004
Jury Demand: None
Nature of Suit: 510 Prisoner:
Vacate Sentence
Jurisdiction: U.S. Government
Defendant

Plaintiff

Robert Rodriguez

represented by **Robert Rodriguez**
80213-038
P.O. Box 7000
Fort Dix, NJ 08640
PRO SE

V.

Defendant

United States of America

represented by **David H. Hennessy**
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LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
08/24/2004	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by Robert Rodriguez.(Smith3, Dianne) (Entered: 08/30/2004)
08/24/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Smith3, Dianne) (Entered: 08/30/2004)
03/22/2005	<u>2</u>	Summons Issued as to United States of America. 2255 Service Order and copy of 2255 sent to D. Hennessy, AUSA. (Nicewicz, Craig) (Entered: 03/24/2005)
03/24/2005		Remark - This case was not served in error upon opening, service has now been made. (Nicewicz, Craig) (Entered: 03/24/2005)
04/01/2005	<u>3</u>	MOTION for Extension of Time to June 22, 2005 to Respond to Section 2255 by United States of America. (Hennessy, David) (Entered: 04/01/2005)
04/12/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>3</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 04/12/2005)
06/22/2005	<u>4</u>	MOTION to Unseal Grand Jury Minutes. by United States of America.(Hassett, Kathy) (Entered: 06/22/2005)
06/22/2005	<u>5</u>	MEMORANDUM by United States of America In Opposition to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255), c/s. (Attachments: # <u>1</u> Exhibits A-J) (Hassett, Kathy) (Entered: 06/22/2005)
08/03/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>4</u> Motion to Unseal Document (Elefther, Elizabeth) (Entered: 08/03/2005)
08/03/2005	<u>6</u>	Judge Nathaniel M. Gorton : ORDER entered.

		MEMORANDUM AND ORDER" In accordance with the foregoing, the petitioner's Motion to Vacate, Set Aside or Correct Sentence (Docket No 1) is Denied and this petition is Dismissed." (Elefther, Elizabeth) (Entered: 08/03/2005)
08/03/2005	●	Civil Case Terminated. (Elefther, Elizabeth) (Entered: 08/03/2005)
08/19/2005	● 7	NOTICE OF APPEAL as to <u>6</u> Memorandum & ORDER, by Robert Rodriguez. Reason fee is not required: Application to Proceed without Prepayment of Fees and Affidavit NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/8/2005. (Elefther, Elizabeth) Additional attachment(s) added on 8/19/2005 (Elefther, Elizabeth). (Entered: 08/19/2005)